

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE O. MITCHELL,
Plaintiff,
v.
MARK SELING, *et al*,
Defendant

Case No. C05-5258FDB
SECOND ORDER TO SHOW
CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of a motion to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. Plaintiff is currently detained at the Department of Social and Health Services' ("DSHS") Special Commitment Center ("SCC") on McNeil Island. To file a complaint and initiate legal proceedings, plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On April 7, 2005, the Clerk received plaintiff's complaint and motion to proceed *in forma pauperis*. (Dkt. #1). Plaintiff stated in his motion that he had a total of \$5.00 in "life savings," and that he earned \$297.00 every two weeks working for DSHS. Plaintiff also stated he had "debt payments" averaging \$520.00 a month. Plaintiff, however, did not provide any information regarding the nature of those debt payments. As such, because the court was unable to fully evaluate his *in forma pauperis* status,

1 the court ordered plaintiff file by no later than June 9, 2005, a written response explaining in detail the
2 nature of his monthly debt payments, including to whom such payments are owed and in what amounts.

3 On May 20, 2005, plaintiff filed a motion for reconsideration/appeal of the court's order to show
4 cause, along with a request for recusal of the undersigned. (Dkt. #4). Both the motion and the request for
5 recusal now have been denied by the court. (Dkt. #5, #6 and #7).

6 Accordingly, this Court orders the following:

7 (1) Plaintiff shall respond to the deficiency noted in the court's first order to show cause (Dkt.
8 #3) by filing **no later than July 5, 2005**, a written response explaining in detail the nature
9 of his monthly "debt payments," including to whom such payments are owed and in what
10 amounts.

11 **Failure to cure this deficiency by the above date shall be deemed a failure to properly
12 prosecute this matter and the Court will recommend dismissal of this matter.**

13 (2) The Clerk is directed to send a copy of this Order to plaintiff.

14 DATED this 14th day of June, 2005.



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17 Karen L. Strombom
18 United States Magistrate Judge
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